

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GARY E. HUBER, §
Petitioner, §
VS. § CIVIL ACTION NO. 4:07-CV-690-Y
§
NATHANIEL QUARTERMAN, §
Director, T.D.C.J. §
Correctional Institutions Div., §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Gary E. Huber under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on November 15, 2007; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on December 12, 2007.¹

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

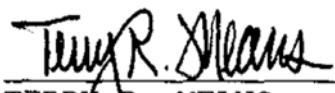
Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Gary E. Huber's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE to his right to file a motion in the

¹The Court has construed Huber's arguments in his notice of interlocutory appeal as written objections to the magistrate judge's report.

United States Court of Appeals for the Fifth Circuit for leave to
file a successive petition.

SIGNED February 25, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE